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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IN RE: INCRETIN MIMETICS
12 PRODUCTS LIABILITY
13 LITIGATION

14 MARGARITA G. HERRERA,

15 Plaintiff,

16 v.

17 MERCK SHARP & DOHME CORP.,
18 AMYLIN PHARMACEUTICALS,
19 LLC, ELI LILLY & COMPANY,
20 NOVO NORDISK,

Defendant.

Case No. 13md2452 AJB (MDD)

ORDER GRANTING MOTION TO
SUBSTITUTE PARTY, AMEND
CAPTION AND FILE AMENDED
COMPLAINT

(Doc. No. 828)

21 Presently before the Court is the parties' joint motion to substitute Juan M.
22 Herrera, individually and as successor in interest and surviving spouse of Margaret
23 Herrera as Plaintiff in this matter. (Doc. No. 828.) Juan M. Herrera also requests leave
24 to file an amended complaint to add a cause of action for wrongful death. (*Id.*) In
25 accordance with Federal Rule of Civil Procedure 25(a)(1), Plaintiffs' Counsel filed a
26 suggestion of death on September 22, 2014. (Doc. No. 662.) Upon a finding of good
27 cause, the Court **GRANTS** the motion.
28

1 Accordingly, the amended short form complaint attached as Exhibit 1 to Plaintiff's
2 motion, (Doc. No. 828-1), is hereby deemed filed. The Clerk of Court is directed to
3 docket the amended short form complaint as filed and correct the caption in Case No.
4 13md2452 AJB (MDD) as follows:

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6 JUAN M. HERRERA, INDIVIDUALLY AND AS SUCCESSOR IN
7 INTEREST AND SURVIVING SPOUSE OF MARGARITA HERRERA,
8 DECEASED,


9 Plaintiff,
10 v.

11 MERCK SHARP & DOHME CORP., AMYLIN PHARMACEUTICALS, LLC,
12 ELI LILLY & COMPANY, NOVO NORDISK,

13 Defendants.

14 **IT IS SO ORDERED.**

15 DATED: December 10, 2014

16 
17 Hon. Anthony J. Battaglia
18 U.S. District Judge
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